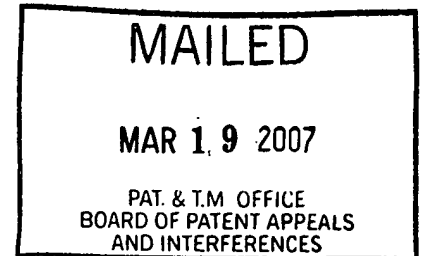


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte: CHRISTOPHE BERTHAUD

Application 09/631,413



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on November 18, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

Application 09/631,413

The Examiner's Answer mailed on July 17, 2006, stated on page 2, under the heading "Status of Claims" that "[t]he statement of the status of claims contained in the brief is correct." However, the only ground of rejection is listed as follows:

Claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Teres et al U.S. patent No. 6,184,871 in view of Olsen et al. U.S. Patent No. 6,137,479, and further in view of Ferrari et al. U.S. Patent No. 6,392,636 for the reasons set forth below.

It should be noted that the Examiner's Answer fails to discuss the rejection of claims 2-5, 7, 8 and 10-18. Correction is required.

Accordingly, it is ORDERED that the application is return to the Examiner:

- 1) to vacate the Examiner's Answer mailed July 17, 2006, to submit a revised Examiner's Answer setting forth a ground of rejection(s) for all appealed claims in accordance with the new rules effective September 13, 2004; and
- 2) for such further action as may be appropriate.

Application 09/864,017

BOARD OF PATENT APPEALS
AND INTERFERENCES



PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571)272-9797

PJN/pgc

cc: Griffin & SZIPL, PC
Suite PH-1
2300 Ninth Street, South
Arlington, VA 22204